

ENZ-55 (CIP) PCT/US

THE UNITED STATES PATENT AND TRADEMARK OFFICEApplicants: Jayanta Roy-Chowdhury *et al.*

US Application Serial No.: 09/171,909

International Application No.: PCT/US98/03606

International Filing Date: February 26, 1998

Title: Novel Processes Implementing Selective
Immune Down Regulation (SIDR)**RECEIVED**
24 JAN 2001
Legal Staff
International OfficeEnzo Therapeutics, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, New York 10022

January 10, 2001

FILED BY EXPRESS MAILAssistant Commissioner for Patents
Box PCT
Washington, D.C. 20231
Attn: PCT Legal Office**PETITION TO REVIVE AN UNINTENTIONALLY
ABANDONED APPLICATION UNDER 37 CFR § 1.137(b)**

Dear Sir:

Applicants submit this Petition to the Commissioner under the provisions of 37 CFR § 1.137(b) to revive the above-identified application in which taking action was unintentionally delayed.

The above-identified application became unintentionally abandoned after April 13, 2000, which was the date that a response to the March 13, 2000 Notification of Missing Requirements was originally due. A Notice of Abandonment was subsequently mailed on December 22, 2000. A copy of the Notice of Abandonment is attached to this Petition as Exhibit A.

Notice Regarding Filing of Correspondence by "Express Mail" Pursuant to 37 CFR 1.10"Express Mail" mailing label number: EL605311655US
Deposit Date: January 10, 2001

Applicants: Jayanta Roy-Chowdhury *et al.*
US Application Serial No.: 09/171,909
International Application No.: PCT/US98/03606
International Filing Date: February 26, 1998
Page 2 (Petition to Revive an Unintentionally Abandoned Application
Under 37 CFR § 1.137(b) - January 10, 2001)

In accordance with 37 CFR § 1.137(b)(1), submitted concurrently herewith is a duly executed Declaration signed by the inventors together with a copy of the Notice of Missing Requirements..

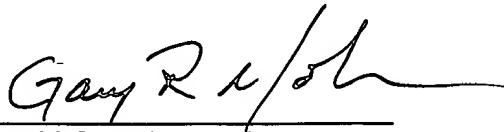
It is hereby requested that this application be revived because the entire delay in filing the required Declaration from the April 13, 2000 due date until the filing of a grantable petition under 37 CFR § 1.137(b) was unintentional. This petition is being made within one year of the date of abandonment pursuant to 37 CFR § 1.137(b).

Under 37 CFR § 1.17(m), the fee for filing a Petition to Revive an Unintentionally Abandoned Application Under 37 CFR § 1.137(b) is \$1240.00. Also, under 37 CFR § 1.492(e), the surcharge for filing the Declaration later than the 20 month date is \$130.00.

The Patent and Trademark Office is hereby authorized to charge Deposit Account No. 05-1135 for both the above \$1240.00 and \$130.00 fees. The Patent and Trademark Office is further hereby authorized to charge Deposit Account No. 05-1135 for any other fees required in connection with this Petition or the attached Declaration (if the present petition is granted).

A duplicate copy of this Petition (without attached Exhibit A) is also submitted herewith.

Respectfully submitted,



Ronald C. Fedus
Registration No. 32,567
John J. Santalone
Registration No. 32,794
Gary R. Molnar
Registration No. 30,299
Attorneys for Applicants

01/18/2001 HNGUYEN 00000022 051135 09171909

01 FC:141	1240.00 CH
02 FC:154	130.00 CH

Enzo Diagnostics, Inc.
c/o Enzo Biochem, Inc.
527 Madison Avenue, 9th Floor
New York, New York 10022
Telephone: (212) 583-0100
Facsimile: (212) 583-0150

Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	PCT/US98/03600
	Filing Date	February 26, 1998
	First Named Inventor	J. Roy-Chowdhury
	Group Art Unit	5071
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	Enz-55 (CIP)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> Petition to Revive	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Declaration and Power of Attorney
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	Postcard
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Gary R. Molnar, Esq. Enzo Biochem, Inc. 527 Madison Avenue, 9th Fl., New York, NY 10022
Signature	<i>Gary R Molnar</i>
Date	1/10/01

CERTIFICATE OF MAILING		
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: Jan. 10, 2001		
Typed or printed name	Evan McHale	
Signature		Date

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$ 1,370.00

Complete if Known

Application Number	PCT/US98/03606
Filing Date	February 26, 1998
First Named Inventor	J. Roy-Chowdhury
Examiner Name	
Group Art Unit	5071
Attorney Docket No.	ENZ-55 (CIP)

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 05-1135
Deposit Account Name Enzo Biochem, Inc.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

	Large Entity	Small Entity		
	Fee Code	Fee Code	Fee Description	Fee Paid
101	710	201 355	Utility filing fee	
106	320	206 160	Design filing fee	
107	490	207 245	Plant filing fee	
108	710	208 355	Reissue filing fee	
114	150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

Total Claims - 20** = X =
Independent Claims - 3** = X =
Multiple Dependent =

	Large Entity	Small Entity		
	Fee Code	Fee Code	Fee Description	Fee Paid
103	18	203 9	Claims in excess of 20	
102	80	202 40	Independent claims in excess of 3	
104	270	204 135	Multiple dependent claim, if not paid	
109	80	209 40	** Reissue independent claims over original patent	
110	18	210 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

	Large Entity	Small Entity		
	Fee Code	Fee Code	Fee Description	Fee Paid
105	130	205 65	Surcharge - late filing fee or oath	
127	50	227 25	Surcharge - late provisional filing fee or cover sheet	
139	130	139 130	Non-English specification	
147	2,520	147 2,520	For filing a request for ex parte reexamination	
112	920*	112 920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115	110	215 55	Extension for reply within first month	
116	390	216 195	Extension for reply within second month	
117	890	217 445	Extension for reply within third month	
118	1,390	218 695	Extension for reply within fourth month	
128	1,890	228 945	Extension for reply within fifth month	
119	310	219 155	Notice of Appeal	
120	310	220 155	Filing a brief in support of an appeal	
121	270	221 135	Request for oral hearing	
138	1,510	138 1,510	Petition to institute a public use proceeding	
140	110	240 55	Petition to revive - unavoidable	1,240
141	1,240	241 620	Petition to revive - unintentional	
142	1,240	242 620	Utility issue fee (or reissue)	
143	440	243 220	Design issue fee	
144	600	244 300	Plant issue fee	
122	130	122 130	Petitions to the Commissioner	
123	50	123 50	Processing fee under 37 CFR 1.17(q)	
126	180	126 180	Submission of Information Disclosure Stmt	
581	40	581 40	Recording each patent assignment per property (times number of properties)	
146	710	246 355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249 355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279 355	Request for Continued Examination (RCE)	
169	900	169 900	Request for expedited examination of a design application	
Other fee (specify)			Late fee for Declaration	130

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$1,370

SUBMITTED BY

Name (Print/Type)	Gary R. Molnar, Esq.	Registration No. (Attorney/Agent)	30,299	Telephone	(212) 813-1600
Signature	Gary R. Molnar	Date	1/10/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: ASSISTANT COMMISSIONER FOR PATENTS
Box PCT
Washington, D.C. 20231

U.S. APPLICATION NO.

REV. C10/1/95

FIRST NAMED APPLICANT

ATTY. DOCKET NO. 4-55 (CIF)

JOHN J. SANTALONE
ENZO BIOCHEM INC
527 MADISON AVE
9TH FLOOR
NEW YORK NY 10022

5071

INTERNATIONAL APPLICATION NO. PCT/US95/03606

I.A. FILING DATE

PRIORITY DATE

02/28/98

02/28/97

03/15/00

DATE MAILED:

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:

- ☒ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S. Basic National Fee.

☒ Copy of the international application in:

- ☐ a non-English language.
☒ English.

- ☐ Translation of the international application into English.
☐ Oath or Declaration of inventors(s) for DO/EO/US.
☐ Copy of Article 19 amendments.
☐ Translation of Article 19 amendments into English.
☐ The International Preliminary Examination Report in English and its Annexes, if any.
☐ Translation of Annexes to the International Preliminary Examination Report into English.
☐ Preliminary amendment(s) filed _____ and _____.
☐ Information Disclosure Statement(s) filed _____ and _____.
☐ Assignment document.
☐ Power of Attorney and/or Change of Address.
☐ Substitute specification filed _____.
☐ Statement Claiming Small Entity Status.
☐ Priority Document.
☒ Copy of the International Search Report ☐ and copies of the references cited therein.
☐ Other:

2. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.
☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a)-2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☒ 21 OR ☐ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

4. Translation of the Annexes **MUST** be submitted no later than the time period set above or the annexes will be cancelled. Note processing fee will be required if submitted later than 30 months from the priority date.
5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917

☐ Notice of Defective Translation

☐ PTO-875

FORM PCT/DO/EO/905 (December 1997)

Telephone: (703)

Patricia B. Smith
Assistant Commissioner
Patent and Trademark Office
(703) 305-3730

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

“NOVEL PROCESSES IMPLEMENTING SELECTIVE
IMMUNE DOWN REGULATION (SIDR)”

the specification of which
(check one)

___ is attached hereto.

___ was filed on _____ as

Application Serial No.

and was amended on _____. (if applicable)

X was described and claimed in PCT International Application No.
PCT/US98/03606 filed on February 26, 1998 and as amended on
_____ under PCT Article 19 (if applicable),

(the undersigned hereby authorizes its attorney to amend this document to insert the filing date and application serial number when they become known.)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment(s) referred to above.

I acknowledge the duty to disclose information of which I am aware which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code Section 119(a)-(d) or Section 365 of any foreign application(s) for patent, inventor's certificate, or any PCT international application(s) which designated at least one country other than the United States of America, identified below and have also identified below any foreign application(s) for patent, inventor's certificate, or any PCT international application designating at least one country other than the United States of America, having a filing date before that of the application(s) on which priority is claimed: